

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVID SAFFORD, :
: Plaintiff, :
: v. : Civil Action No. 06-692-JJF
: DAVID R. FAVATA, SHERYL RUSH- :
MILSTEAD, and DELAWARE :
DEPARTMENT OF CORRECTION, :
: Defendants. :

O R D E R

NOW THEREFORE, at Wilmington this 20 day of February, 2007, IT IS HEREBY ORDERED that:

1. The Complaint is DISMISSED WITHOUT PREJUDICE as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b)(1). Amendment of the Complaint would be futile. See Grayson v. Mayview State Hosp., 293 F.3d 103, 111 (3d Cir. 2002); Borelli v. City of Reading, 532 F.2d 950, 951-52 (3d. Cir. 1976).

2. Plaintiff is not required to pay any previously assessed fees or the \$350.00 filing fee. The Clerk of the Court is directed to send a copy of this Order to the appropriate prison business office.



UNITED STATES DISTRICT JUDGE